

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
fONOROLA FIBER DEVELOPMENT INC.)	
)	
LEDCOR INDUSTRIES, INC.)	
)	File No. SCL-MOD-19990901-00016
)	
Application for modification of license to land and)	
operate in the United States a fiber optic submarine)	
cable system extending between the United States)	
and Canada)	

THIRD MODIFICATION OF CABLE LANDING LICENSE

Adopted: February 17, 2000

Released: February 18, 2000

By the Chief, Telecommunications Division:

I. Introduction

1. In this Order, we modify the cable landing license held by fONOROLA Fiber Development Inc. (fONOROLA Fiber), Leducor Industries, Inc. (Leducor) and Fiberco Telecommunications Corporation (Fiberco) to add MetroNet Fiber US, Inc. (MetroNet) as a fourth licensee.¹ The original license authorized fONOROLA Fiber and Leducor to land and operate a fiber optic submarine cable system between the United States and Canada called America-Canada-1 (AmeriCan-1). The license was later amended to add Fiberco as a third licensee. Pursuant to the modified license, AmeriCan-1 will continue to be operated on a non-common carrier basis.

II. Comments

2. On September 1, 1999, MetroNet filed an Application seeking to modify the existing cable landing license held by fONOROLA, Leducor and Fiberco to add MetroNet as a fourth licensee for the U.S. portion of the cable. We placed the Application on public notice on September 17, 1999. We received no comments. Pursuant to Section 1.767(b) of the Commission's rules,² the Cable Landing License Act,³ and Executive Order No. 10530, we informed the Department of State of the Application.⁴

¹ File No. SCL-98-001, DA 98-1668, rel. August 21, 1998, modified in File No. SCL-AMD-19980831-00015, DA 98-2569, rel. Dec. 21, 1998, further modified in File No. SCL-AMD-19981112-00026, DA-99-601, rel. March 31, 1999.

² 47 C.F.R. § 1.767(b) (1997).

³ An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39

After coordinating with the National Telecommunications and Information Administration and the Department of Defense, the Department of State stated that it has no objection to amending the cable landing license, which was initially granted on August 19, 1998.⁵

III. Discussion

3. MetroNet requests the modification in order to purchase a portion of AmeriCan-1, including one of the four fiber bundles and an undivided interest in certain support structures including cable landing stations in the United States.

4. We find that the proposed modification is in the public interest. MetroNet, a Delaware corporation, is a wholly owned subsidiary of AT&T Canada Telecom Services Company (AT&T Canada), a corporation organized under the laws of Canada. Because Canada is a Member of the World Trade Organization (WTO), we presume that the addition of MetroNet as a licensee does not raise concerns that would justify denial of its application on competition grounds.⁶ Indeed, as the application states, the addition of MetroNet to the instant license will further expand facilities-based competition for services between the United States and Canada. Accordingly, we grant MetroNet's request to be added as a fourth licensee of AmeriCan-1.

IV. Ordering Clauses

5. Consistent with the foregoing and pursuant to the Cable Landing License Act and Executive Order 10530, IT IS ORDERED that application File No. SCL-MOD-19990901-00016, IS GRANTED and the AmeriCan-1 landing license is MODIFIED to add MetroNet as a licensee of AmeriCan-1.

6. This Modification of Cable Landing License does not modify any other terms or conditions imposed in the license released on August 21, 1998.

(1994) (Cable Landing License Act).

⁴ Letter from Rebecca Arbogast, Chief, Telecommunications Division, International Bureau, Federal Communications Commission, to Steven W. Lett, Deputy U.S. Coordinator, Office of International Communications and Information Policy, U.S. Department of State (Sept. 22, 1999).

⁵ Letter from Richard C. Beird, Acting United States Coordinator, Office of International Communications and Information Policy, United States Department of State, to Donald Abelson, Chief, International Bureau, Federal Communication Commission (February 16, 2000).

⁶ Rules and Policies on Foreign Participation in the U. S. Telecommunications Market, 12 FCC Rcd 23891, 23913 at ¶50, 23933-34 at ¶93 (1997), *recon. pending*.

7. This Order is issued under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this order.⁷

FEDERAL COMMUNICATIONS COMMISSION

Rebecca Arbogast
Chief, Telecommunications Division
International Bureau

⁷ See 47 C.F.R. § 1.4 (b)(2).